

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

LYONS PARTNERSHIP, L.P.; HIT
ENTERTAINMENT, INC.; GULLANE
(DELAWARE) LLC; and THOMAS
LICENSING, LLC,

Plaintiffs,

v.

GREAT AMERICAN MASQUERADE, GAG,
GIFT & GADGET SHOP INC. D/B/A
ABRACADABRA, PAUL BLUM, ALLEN
DALTON PRODUCTIONS, LLC, ALLEN
DALTON, CARRIE FEINER ENTERPRISES,
LLC, CARRIE FEINER, CROSS COUNTY
CHILDRENS ENTERTAINMENT, INC.
D/B/A KID-O-ROBICS, BRUCE K.
MOGAVERO, AND VINCENT REVERDY
D/B/A CONNECTED EVENT CREATION,

Defendants.

SUMMONS IN A CIVIL ACTION

CASE NUMBER 07 CV 7112

TO: (Name and address of Defendant)

Bruce K. Mogavero
6 Upper Mall Walk
Yonkers, NY 10704

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Toby M.J. Butterfield, Esq.
Matthew A. Kaplan, Esq.
COWAN, DeBAETS, ABRAHAMS & SHEPPARD LLP
41 Madison Avenue, 34th Floor
New York, New York 10010

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.


J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

AUG 09 2007

DATE

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <i>September 6, 2007</i>	
NAME OF SERVER (PRINT) <i>MARTIN LICHTIL</i>	TITLE <i>Process Server</i>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
<input checked="" type="checkbox"/> Name of person with whom the summons and complaint were left: Returned unexecuted: <i>Tanya "Doe"</i>		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u><i>9.9.07</i></u> <div style="text-align: center;">Date</div>	<div style="text-align: center;">  Signature of Server </div> <div style="text-align: center;"> <u><i>13814 Valleyview St Michigan Lake, MI</i></u> Address of Server </div>	

⁽¹⁾ As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

STATE OF NEW YORK U.S. DISTRICT EASTERN
COUNTY OF KINGSIndex # 07 CIV 7112 Return Date.
Date Filed: 8/9/2007 Part #
Invoice Work Order # B18357 Room #

Time:

Attys File #

Attorney: A109 COWAN, DEBAETS, ABRAHAMS & SHEPPARD LLP, 41 MADISON AVE., 34TH FLR., NEW YORK, NY 10010 (212) 974-7474

LYONS PARTNERSHIP, L.P. HIT ENTERTAINMENT, INC. GULLANE
(DELAWARE) LLC; AND THOMAS LICENSING, LLC

Plaintiff(s) Petitioner(s)

VS
GREAT AMERICAN MASQUERADE, GAG, GIFT & GADGET SHOP, INC.
D/B/A ABRACADABRA ET AL

Defendant(s) Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU, SS.

AFFIDAVIT OF SERVICE

MARTIN LICHTIG

, being duly sworn deposes and says: Deponent is not a party herein, is over

18 Years of age and resides in The State of NEW YORK

ON: September 8, 2007 At 2:45 p.m.

At: 6 UPPER MALL WALK, YONKERS, NY 10704

deponent served the within

Summons and Complaint

on: BRUCE K. MOGAVERO

Witness/defendant/respondent
therein named

A. INDIVIDUAL

☐

By Personally delivering to and leaving with said individual, and that he knew the person so served to be the person in said writ. (A fee of pursuant to CPLR Section 8001, was tendered to witness)

B. CORPORATION

☐

By delivering to and leaving with

and that he knew the person

So served to be the Managing Agent of the corporation, and authorized to accept service (A fee of pursuant to CPLR Section 8001 was tendered to witness)

C. SUITABLE
AGE PERSON☒

Service was made in the following manner after deponent was unable with due diligence to serve witness/defendant in person:

By delivering a true copy of each to

TANYA "DOE"

a person of suitable age and discretion.

Said premises is defendant/respondent (X) actual place of business () dwelling house (usual place of abode) within the state.

(A fee of pursuant to CPLR section 8001, was tendered to the witness.)

D. AFFIXING
TO DOOR☐

By affixing a true copy of each to the door of said premises, which is defendant/respondent/witness: () actual place of business () dwelling house (place of abode) within the state. (A fee of pursuant to CPLR section 8001, was tendered to the witness.)

E. MAILING

Use with C or D

☒

on SEPTEMBER 7, 2007 deponent completed service by depositing a true copy of each document to the above address in 1st Class postpaid property addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

☐

Last known residence

☒

Last known place of business (additional endorsement of Personal and Confidential on face of envelope.)

☐

RPAPL 735 An additional mailing by Certified Mail was made to the respondent at the premise sought to be recovered.

F. PREVIOUS ATTEMPTS

Use with D

☐

Deponent previously attempted to serve the above named defendant/respondent on below dates and times:

on the day of year at
on the day of year at
on the day of year at

A DESCRIPTION OF THE DEFENDANT OR OTHER PERSON SERVED ON BEHALF OF THE DEFENDANTS IS AS FOLLOWS.

G. DESCRIPTION

☒

Sex female Color of skin: white Color of hair: Brown Age: 25 Height: 5'0" Weight: 160

Other Features:

MILITARY SERVICE

☒

Deponent asked the person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not. Defendant wore ordinary civilian clothes and no military uniform.

Sworn to before me on OCTOBER 17, 2007

Notary

LOIS LUCIERE
NOTARY PUBLIC, State of New
York No 01LU5055449 Qualified in
Nassau County Commission
Expires 2/12/2010

Server

MARTIN LICHTIG